

Don J. Lewittes, Ph.D.
30 Hempstead Avenue
Suite # 150
Rockville Centre, N.Y. 11570

12/19/006

CONFIDENTIAL AND PRIVILEGED

Forensic Evaluation Report

RE: Mr. Michael Reiner

Background

I was contacted by Mr. R. Schoenberg, Esq. and asked to evaluate his client Mr. Reiner. Basic information surrounding his arrest and incarceration were made available to me.

On 12/14/06 I went to the Nassau County Jail in East Meadow, New York and evaluated Mr. Reiner for approximately 2 and 1/2 hours. I performed a mental status exam (MSE), administered the normed and computer scored MCMI-III and SCL-90-R, and analyzed his responses to projective cards and pictures contained in the Rorschach and Thematic Apperception Test (TAT). This battery of tests is well accepted by the professional psychological and forensic community as a complete and thorough scientific determination of mental stability including the potential for dangerousness.

Mr. Reiner appeared understandably shaken and upset given the setting he was in. He was cooperative with all tests and open to questions posed to him. His responses are considered reliable and the test results valid.

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Relevant Past History

A. Predictors Related to the Potential For Violence

The clinical and actuarial literature on violence clearly demonstrates that a history of past violence is the best predictor of any future potential. There have never been any incidents nor even allegations of violence made against Mr. Reiner. This history includes domestic situations, hundreds of contacts with children of all ages and in his everyday socialization experiences. His behavior has never led to any citations of inappropriate or problematic interactions with others, e.g., never being asked to leave a public gathering such as in a movie theater. He holds a N.Y.S. drivers license and there have never been any violations, suspensions or problems with the operation of his vehicle.

He has held a teaching license and taught in a private school for over 18 years. There have never been any employment problems. He is a well respected mentor with hundreds of parents, colleagues, and former students who can attest to his kindness and gentle disposition.

As a youth and adolescent Mr. Reiner shows a history of positive adjustment at home, in school and within the community at large. He does use either alcohol or drugs. He has never been treated for, or diagnosed with, any psychiatric illness. He has never shown any problems with impulse control, including areas of anger management or sexuality. He demonstrates the capacity for empathy and lacks any correspondence to a psychopathic personality disorder. He has never previously been arrested or had any problems of any kind with the law. He is considered mentally and emotionally stable and does not demonstrate illness.

He is not a member of any group which endorses any antisocial or violent actions against children, adults, or political entities. He has a strong personal support system with relatives living in the immediate community. Other than this legal situation, he does not have an excessive amount of daily stress. His finances are in order, he has been continuously employed and has never been asked to leave any position dating back to his masters level student teaching experiences some twenty years ago.

B. Clinical Functioning with Specific Assessment of Sexual Paraphilias

Mr. Reiner's cognitive status demonstrates good contact with reality. There are no signs or symptoms of any underlying psychotic processes. He does not have hallucinations or delusions. There is no paranoid ideation. His affect is appropriate and there are no symptoms of any mood regulation difficulties. He has no history of mania or any symptoms of a serious depressive disorder. His sleeping, eating and biological functioning are regular and without any noted issues. He has energy for work and daily routines which include the pursuit of after school hobbies and interests. He does not have a panic disorder nor any phobias which impede his daily living routines. He is competent to manage his finances. There is no suicidal or homicidal ideation, intent or plans. He has long term social relationships which demonstrate his ability to empathize and appropriately conduct himself with children and adults.

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Mr. Reiner denies any sexual interest, arousal, or behaviors with any person below the legal age of consent. He adamantly denies ever viewing any photos or video clips involving children in suggestive nude poses or engaged in sexual activities. He denies ever wanting or planning the physical harm or death to any child in any reality context, e.g., he is repulsed by the actual practice of cannibalism.

Mr. Reiner admits to having an active fantasy life with a literary interest in the portrayal of children being endangered and threatened by sacrificial ritualistic acts of cannibalism and how they are able to survive this ordeal. He cites this ideation being initially fueled by reading the literary works of Jonathan Swift who many years ago used such a metaphor in his writings of political satire. Mr. Reiner was researching the subject with plans to write a novel.

Mr. Reiner's role playing with others about this topic is comparable to people who go to "star trek" conventions or those who dress in medieval garb and play out scenarios at festivals. In parallel fashion, such people do not go home and continue in real life behaving as if they were back in time or on another planet.

Case Discussion

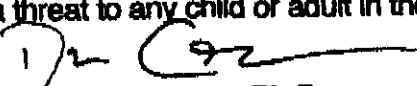
Mr. Reiner has a long standing interest in the topic of cannibalism. He has never had any interest or intent in actually behaving or consorting with people who in real life would behave in such a fashion. He is well grounded in reality and would never confuse his fictional interest with the desire to act out in any way against children.

Mr. Reiner is a dedicated teacher. He has shown appropriate attention and mentorship for many pupils over the course of a long career. He refers to parents, co-workers, and former students who would attest to his character and moral conduct with children. He does not know when, how, or by whom the alleged illegal images of young children were transferred on to his computer. He adamantly denies ever opening any such files or folders or viewing any computer images of children in the nude or engaged in sexual acts.

Conclusions

Mr. Reiner does not demonstrate a diagnosis consistent with pedophilia. He does not demonstrate any angry, hostile, or sadistic tendencies or acts toward children. He is a law abiding teacher who has conducted himself in public and private with dignity and respect for others. The fact that he is interested in and has researched a particular science fiction theme cannot be translated into viewing him as a person with a real life dangerous profile.

It is my professional opinion, within a reasonable degree of psychological certainty, that Mr. Reiner does not pose a threat to any child or adult in the community.


Don J. Lewittes, Ph.D.
N.Y.S. Lic. Psychologist
Ed. Cert. Forensic Examiner
Member, Nassau County Sex Offender
Steering Committee

VITAE
DON J. LEWITTES, Ph.D.
Clinical and Forensic Psychologist

Private Office

19 West 34th Street, PH
N.Y.C., N.Y. 10001
(212) 879-4277

Education

1971 B. A.

New York University,
University Heights College
Major: Psychology

1976 Ph.D.

State University of New York
at Albany: Clinical Psychology

Internship

1975
APA Approved-
Clinical Psychology

Rutgers Medical School,
Department of Psychiatry
Piscataway, New Jersey

Board Certification

1988

Diplomate, American Board
of Medical Psychotherapists

1996

Diplomate & Fellow, American
Board of Forensic Examiners

1996

Diplomate, American Board of
Forensic Medicine

2000

Diplomate in Sexual Abuse,
American Board of
Psychological Specialties

License

1978-(current)

Psychologist
New York State #005681

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Professional Positions

1987- Independent practice in clinical and forensic psychology.

Family and Supreme Court- Formal evaluations, psychological testing and expert witness testimony. Data based forensic reports for use in custody and visitation matters. Subspecialty in sexual abuse, neglect, violence.

Criminal-Expert witness testimony and evaluations. The Office of the District Attorney-all of NYC, Nassau, Suffolk, Westchester, and Franklin Counties. The U.S. Government, Defense Dept.-Judge Advocate General's Office; Administrative Hearings, The NYPD, Private defense counsel trials, pre sentencing, probation.

Civil matters- Testing with reports- specializing in post traumatic stress (PTSD), sexual assault, and personal injury. IME's for insurance companies and private counsel, intelligence and personality testing for courts, schools and personal use. Expert witness testimony in NYS and U.S. Fed. District Court.

Psychotherapy-private practice with a broad based patient spectrum: Children, adults, and couples work.

1990-98

Consultant/Trainer - Coalition on Child Abuse and Neglect (CCAN), Garden City, N.Y. Conducted local and N.Y.S. wide training for professionals in the evaluation and treatment of abuse/neglect victims. Major responsibilities for two NYS/DSS- U.S. Department of Justice Act Grants: Forensic Interviewing Techniques; Male Victims of Abuse.

1982-87

Chief Psychologist, South Nassau Communities Hospital, Oceanside, N.Y. Evaluate and treat children, adults and families. Supervise staff and train psychology doctoral students. Head of Psychology-Family Crisis Team, Rape Trauma Team, Family Practice Medical Residency Training, Utilization Review, Grand Rounds.

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1986-87

Consultant, Dept. of Nursing,
St. John's Episcopal Hospital,
Queens, N.Y.

1982-3

Consultant Psychologist, Evaluate
children and adolescents, HIP
Staten Island N.Y.

1978-82

Administrative and clinical
team leadership, South Richmond
Inpatient Services, South Beach
Psychiatric Center, S.I., N.Y.

1976-78

Supervising Psychologist,
Schenectady Shared Services,
CDPC/Ellis Hospital, Albany N.Y.

Teaching Appointments

1976-78

Instructor, Dept. of Psychiatry
Full Time Faculty, Albany Medical
Center, Albany, N.Y.

1983-87

Clinical Affiliate Professor,
Dept. of Psychology, St. John's
University, Queens, New York.

1995-6

Mentor-Adelphi Univ., Doctorate
Prog., Grad. Sch. of Soc. Work

1995-6

Affiliate Faculty, Center for
Training And Research in Child
Abuse And Family Violence,
Fordham Univ. Graduate School
of Social Service

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Scholarly Activities
Presentations

- 2005-Appellate Div. Supreme Court, 2nd Judicial
Dept. Law Guardian Adv. Committee,
Interviewing Techniques with Children
and Adolescents-Child Development Data Based
- 2004-Molloy College-Child Sexual Abuse
- 2004-St John's Univ. Law School-Expert Witness
- 2003-St John's Univ. Law School-Child Sexual Abuse
- 2002-Appellate Divs. First & Second Depts., NYC
Criminal Justice Coord. Office, Panelist: Working
with Expert Witnesses, N.Y.C.
- 2002-Molloy College-Sexual Assault and Victimization
- 2001-Lincoln Hosp., Psychiatry Grand Rounds,
Rape Trauma Diagnosis and Syndrome
- 2001-Fordham Univ., Children First, Field Presenter,
Family Service Agency, Queens N.Y.
- 2000- Long Island College Conference, Sex Teens &
Violence- Forensic Interviewing Techniques
- 2000-Molloy College-Male victims of sexual assault/rape
- 1999-St. John's Univ. Law School-Sexual Victimization
- 1998-Fordham University-Child Victims of Sexual Abuse
- 1998-Mellillo Mental Health Center-Adult Male Victims of
Sexual Assault
- 1998-Nassau Coalition on Child Abuse-Child
Victimization
- 1997,98-St. John's University Law School-Forensic
Expert Witness Testimony
- 1997-Molloy College, Sexual Victimization of Male
Children
- 1996-Yeshiva University, Cardozo School of Law,
Family Law Symposium, Panelist.
- 1996-State of New York Unified Court System,
Family Violence Task Force, Presenter,
Child Abuse Sexual Abuse Seminar, N.Y.C.
- 1996-New York State Dept. of Social Services,
Children's Justice & Assistance Act Spring Training
Seminar, Workshop Leader. Syracuse N.Y.
- 1996-Fordham University-Evaluation and treatment
of male victims of sexual abuse, N.Y.C.
- 1995-Seventh Annual Conference on Child Abuse and
Neglect Keynote Presentation, Dutchess, Orange-
Ulster. Putnam Counties

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Publications

Effects of Breast Augmentation on Accuracy of Mammography (Letter). Journal of the American Medical Association, 291, (17):2073, 2004 (third author)

Sexual Abuse and Pornography, U.S. Attorney General's Commission on Pornography, U.S. Dept. of Justice, 1986.

Children's Ongoing Delay of Gratification, Developmental Psychology, 1978.

Assessing Behavioral Change. Journal of Counseling Psychology, 1976.

Impression Management of Sexually Motivated Behavior, Journal of Social Psychology, 1975.

Maintaining Reduced Smoking. Behavior Therapy, 1975.

Sex Role Bias in Clinical Judgments. Proceedings of the 81st Annual APA, 1973.

Video

Approaches for limit setting with impulse ridden patients. South Beach Psychiatric Center, Video Library Catalogue.

Television

Expert forensic commentator, Court TV.

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Honors & Awards

New York State Graduate School, Research Grant
Research Grant; Rutgers Med. School
Adelphi University, School of Social Work,
Work in the field of victims of rape
and sexual abuse.

Molloy College- Training award for forensic
work in the field of male sexual abuse.

Biographical Listings in :

Who's Who in the United States 2001-current ed.
Who's Who in the World, 1991-4, 2002-current ed.
Who's Who in the East, 1991-98
Who's Who in Emerging Leaders 1986
Who's Who in Medicine and Healthcare,
First Edition, 1997-8., 2000, current ed.

Memberships

Member, American Psychological Society
Member, American Professional Society
on the Abuse of Children
Member, American Board of Forensic
Examiners
Listed, in the National Registry of
Forensic Examiners

Recent Accomplishments

Nassau County Sex Offender Management Steering Committee-
Psychologist Representative for the N.Y.S. Sex Offender Court Grant

Presenter- New York Prosecutors Training Institute, Inc., Special
Issues in Special Victim Prosecution, Summer College for District
Attorneys, "The Mentally Ill Sexual Assault Victim", Syracuse Law
School, August, 2006.